

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

Alexander R. Deanda, on behalf of
himself and others similarly situated,

Plaintiff,

v.

Xavier Becerra, in his official capacity as
Secretary of Health and Human
Services; **Jessica Swafford Marcella**, in
her official capacity as Deputy Assistant
Secretary for Population Affairs; **United
States of America**,

Defendants.

Case No. 2:20-cv-00092-Z

MOTION FOR SUMMARY JUDGMENT

Plaintiff Alexander R. Deanda respectfully moves for summary judgment, as there are no genuine issues of material fact and the plaintiff is entitled to judgment as a matter of law.

SUMMARY

In conformity with Local Rule 56.3(a)(1), Mr. Deanda states the elements of each claim on which summary judgment is sought:

Claim 1: The Title X statute (42 U.S.C. § 300(a)) does not preempt section 151.001(6) of the Texas Family Code. To prevail on this claim, Mr. Deanda must show that there is no conflict between the requirements of 42 U.S.C. § 300(a)) and the requirement of section 151.001(6) of the Texas Family Code.

Claim 2: The Secretary's interpretation of 42 U.S.C. § 300(a)) and his administration of the Title X program violates the constitutional right of parents to direct the upbringing of their children. Parents have a constitutional right to

direct the upbringing of their children. *See Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Meyer v. Nebraska*, 262 U.S. 390 (1923). To prevail on this claim, Mr. Deanda must show that the Secretary's interpretation of 42 U.S.C. § 300(a)) and his administration of the Title X program violates the constitutional right of parents to direct the upbringing of their children.

The accompanying brief sets forth our arguments and authorities. A proposed order is attached.

Respectfully submitted.

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Dated: July 25, 2022

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify that on July 25, 2022, I served this document through CM/ECF upon:

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